

OFFICIAL COPY

Fresno, California

October 24, 2000

The City Council met in regular session at the hour of 9:09 a.m. in the Council Chambers, City Hall, on the day above written.

Present:	Garry Bredefeld	Acting Council President
	Chris Mathys	Councilmember
	Henry Perea	Councilmember
	Sal Quintero	Councilmember
	Dan Ronquillo	Councilmember
	Ken Steitz	Councilmember
	Tom Boyajian	Council President

Andy Souza, Interim City Manager
Hilda Cantu Montoy, City Attorney
Rebecca Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

Fire Chief Smith gave the invocation, and District 4 Council Assistant Kinebrew led the Pledge of Allegiance to the Flag.

PRESENTATION OF AWARDS TO DISTRICT 7 STUDENTS OF THE QUARTER - COUNCILMEMBER PEREA

PROCLAMATION OF "SHIRLEY BAPTISTA DAY" - COUNCILMEMBER MATHYS

PROCLAMATION OF "LARRY WILLEY DAY" - CITY COUNCIL

The above proclamations and awards were read and presented.

BIRTHDAY OF CITY CLERK KLISCH

Birthday wishes extended.

PRESENTATION OF CERTIFICATES FOR THE FALL QUARTER P.R.I.D.E. TEAM

The certificates were presented and Council recessed to attend a reception in honor of the PRIDE Team.

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RECESS - 9:57 A.M. - 10:15 A.M.

APPROVE MINUTES OF OCTOBER 17, 2000

On motion of Councilmember Ronquillo, seconded by Councilmember Perea, duly carried, RESOLVED, the minutes of October 17, 2000, approved as submitted.

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APPROVE AGENDA:

(10:00 A.M. #1) HEARING ON PLAN AMENDMENT NO. A-00-06, FILED BY THE CITY OF FRESNO, TO AMEND THE BUTLER/WILLOW SPECIFIC PLAN AND ROOSEVELT COMMUNITY PAN FROM THE “BIKE PATH” TO THE “BIKE LANE” DESIGNATION (CONTINUE TO OCTOBER 31, 2000, AT 10:30 A.M.)

Continued as noted.

(10:00 A.M. #2) HEARING ON PLAN AMENDMENT NO. A-00-11, FILED BY PAYNTER REALTY AND INVESTMENT, TO DESIGNATE WINERY AVENUE AS A THROUGH PUBLIC STREET BETWEEN E. LANE AND E. KINGS CANYON ROAD (CONTINUE TO OCTOBER 31, 2000, AT 10:45 A.M.)

Continued as noted.

(10:15 A.M. #1) CONTINUED TEFRA HEARING RELATING TO SAINT AGNES REVENUE BONDS (CONTINUE TO OCTOBER 31, 2000, AT 9:45 A.M.)

Continued as noted.

(5:00 P.M.) HEARING ON PLAN AMENDMENT NO. A-00-03, REZONING APPLICATION NO. R-00-04 AND ENVIRONMENTAL ASSESSMENT NO. A-00-03, R-00-04, C-00-60, FILED BY GEORGE BEAL, PROPERTY LOCATED ON THE SOUTHWEST CORNER OF N. MAPLE AND E. SHEPHERD AVENUES

1. CONSIDER ENVIRONMENTAL ASSESSMENT/MITIGATED NEGATIVE DECLARATION NO. A-00-03, R-00-04, C-00-60, DATED MAY 1, 2000
2. RESOLUTION - AMENDING THE WOODWARD PARK COMMUNITY PLAN (PLANNING COMMISSION RECOMMENDATION)
3. RESOLUTION - AMENDING THE WOODWARD PARK COMMUNITY PLAN (APPLICANT'S REQUEST)
4. BILL - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AE-20/UGM TO C-1/UGM (APPLICANT'S REQUEST)

Acting President Bredefeld stated there was a request to continue the hearing and advised he and his constituents were opposed to a delay and wanted the hearing held this date as scheduled.

Dick Boranian, 10431 Willow Rich Ct., also spoke in opposition to a continuance.

Councilmember Mathys advised the developer was requesting a delay to work with area residents to mitigate matters, noted the City had a responsibility to business owners, and made a motion to continue the hearing four weeks,

which motion was seconded and acted upon after brief discussion **(2 - 0)**. Acting President Bredefeld requested the issue be considered at 5:00 with the developer present to make his request, and Councilmember Perea stated although he would support the request to continue he was opposed to making a decision at this time and preferred to act on the request at 5:00 p.m. as scheduled.

On motion of Councilmember Mathys, seconded by Councilmember Quintero, duly carried, RESOLVED, the hearing on Plan Amendment No. A-00-03, Rezoning Application No. R-00-04 and Environmental Assessment No. A-00-03, R-00-04, C-00-60, filed by George Beal continued to December 5, 2000, at 5:00 p.m., by the following vote:

Ayes	:	Mathys, Quintero, Ronquillo, Steitz
Noes	:	Bredefeld, Perea, Boyajian
Absent	:	None

(A motion and vote was taken to approve the agenda and upon further clarification, a motion was made and vote taken to reconsider approval of the agenda.)

(3C) RESOLUTION - DESIGNATING APN 458-071-010 (PLEASANT MATTRESS CO.) LOCATED AT NEILSEN AND WEST AVENUES TO THE FRESNO ENTERPRISE ZONE

At the request of Councilmember Ronquillo and with Council concurrence, Item **3C** was set for 3:15 p.m.

On motion of Councilmember Steitz, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

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ADOPT CONSENT CALENDAR AND INTRODUCTION OF BILLS:

(1A-1) AUTHORIZE THE POLICE CHIEF OR DESIGNEE TO (1) SUBMIT AGREEMENTS/APPLICATIONS AND ANY OTHER RELEVANT DOCUMENTS TO THE CALIFORNIA OFFICE OF TRAFFIC AND SAFETY (OTS) TO RECEIVE \$379,444 TO UNDERTAKE THE FRESNO DUI PUBLIC AWARENESS PROJECT AND THE CHILD SAFETY PUBLIC INFORMATION AND EDUCATION PROJECTS, AND (2) UPON RECEIPT OF FINAL APPROVAL FROM OTS, PREPARE THE PROJECT BUDGETS FOR PRESENTATION TO COUNCIL FOR APPROVAL

(1A-2) * RESOLUTION NO. 2000-307 - 54TH AMENDMENT TO AAR 2000-183 REAPPROPRIATING FY 2000 STATE OF CALIFORNIA SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUNDS (SLESF) TO CARRY OUT ACTIVITIES PURSUANT TO THE SLESF 99 SPENDING PLAN

(1A-3) AWARD A ONE-YEAR REQUIREMENTS CONTRACT, WITH PROVISIONS FOR TWO ONE-YEAR EXTENSIONS, TO FREEDOM FORD IN THE ESTIMATED AMOUNT OF \$234,652.07 FOR ONE TON CAB AND CHASSIS TRUCKS

(1A-4) APPROVE THE SALE OF SURPLUS PROPERTY (WATER WELL SITE) MEASURING 750 SQUARE- FEET NEAR E. MONO AND SEVENTH STREET FOR \$100.00 TO THE ADJACENT PROPERTY OWNER, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO SIGN ALL DOCUMENTS NECESSARY TO DISPOSE OF THE PROPERTY

(1A-5) * RESOLUTION NO. 2000-308 - APPROVING THE SUMMARY VACATION OF A PORTION OF A PUBLIC PEDESTRIAN EASEMENT ON THE NORTH SIDE OF W. HERNDON AVENUE WEST OF N. PLEASANT AVENUE

(1A-7) * RESOLUTION NO. 2000-310 - 56TH AMENDMENT TO AAR 2000-183 APPROPRIATING \$6,396,100 OF THE 2000 FEDERAL TRANSPORTATION ADMINISTRATION (FTA) URBAN AREA FORMULA GRANT AND \$999,1000 OF TRANSIT LOCAL MATCH RESERVES NECESSARY TO INITIATE THE PLANNING AND CAPITAL PORTIONS OF THE PROGRAM OF PROJECTS SPECIFIED IN GRANT NO. CA-90-Y021 FROM THE FTA IN THE AMOUNT OF \$7,395,200

On motion of Councilmember Steitz, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

(1A-6) RESOLUTION NO. 2000-309 - INTENT TO ANNEX THE FINAL MAP OF TRACT NOS. 4945 AND 4951 AS ANNEXATION NO. 24 TO CITY OF FRESNO COMMUNITY FACILITIES DISTRICT NO. 2; AUTHORIZE THE LEVY OF SPECIAL TAXES; AND SETTING A PUBLIC HEARING ON THE ANNEXATION FOR NOVEMBER 28, 2000, AT 10:00 A.M.

On motion of Councilmember Steitz, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the above entitled Resolution No. 2000-309 hereby adopted, by the following vote:

Ayes	:	Bredefeld, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	Mathys
Absent	:	None

(1B-1) BILLS FOR INTRODUCTION AMENDING THE FRESNO MUNICIPAL CODE RELATIVE TO THE DROP PROGRAM TO EXPAND THE BENEFIT CALCULATION OPTIONS TO THE EXISTING FOUR OPTIONS CURRENTLY AVAILABLE TO MEMBERS IN BOTH RETIREMENTS SYSTEMS

a. * BILL NO. B-68 - AMENDING FMC SECTION 2-1744 RELATING TO POST-RETIREMENT OPTIONS AVAILABLE TO DROP PARTICIPANTS IN THE FIRE AND POLICE RETIREMENT SYSTEM

b. * BILL NO. B-69 - AMENDING FMC SECTION 2-1744A RELATING TO POST-RETIREMENT OPTIONS AVAILABLE TO DROP PARTICIPANTS IN THE FIRE AND POLICE RETIREMENT SYSTEM

c. * BILL NO. B-70 - AMENDING FMC SECTION 2-1852 RELATING TO POST-RETIREMENT OPTIONS AVAILABLE TO DROP PARTICIPANTS IN THE EMPLOYEE4S RETIREMENT SYSTEM

On motion of Councilmember Steitz, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the above entitled Bill Nos. B-68, B-69 and B-70 introduced before the Council and laid over, by the following vote:

Ayes : Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes : None
Absent : None

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COMMENDATION TO DOUG HARRISON, FRESNO METROPOLITAN FLOOD CONTROL DISTRICT, FOR HIS LEADERSHIP IN SECURING A \$20 MILLION STATE INFRASTRUCTURE BANK LOAN FOR INNER-CITY DRAINAGE SYSTEM IMPROVEMENTS (*NOT ON THE AGENDA*)

Commendations were also extended to Frank Franco, Councilmember Ronquillo and the Parks and Recreation Department.

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(10:00 A.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY

The City Council recessed and convened in joint session with the Agency at the hour of 10:33 a.m.

APPROVE AGENCY MINUTES OF OCTOBER 17, 2000

On motion of Councilmember Perea, seconded by Acting President Bredefeld, duly carried, RESOLVED, the Agency minutes of October 17th approved as submitted.

(10:05 A.M.) CONSIDER APPROVAL OF A COUNCIL OVERRIDE VOTE OF THE FOLLOWING AGREEMENTS AND RESOLUTIONS RELATING TO THE DOWNTOWN MULTIPURPOSE STADIUM VETOED BY MAYOR PATTERSON ON OCTOBER 18, 2000 - ACTING PRESIDENT BREDEFELD AND PRESIDENT BOYAJIAN:

- 1. AGREEMENT BETWEEN THE CITY, FRESNO GRIZZLIES, INC. AND FRESNO DIAMOND GROUP, LLC, CONCERNING CONSTRUCTION AND SUBLEASE OF A MULTIPURPOSE STADIUM (30 YEAR LEASE AGREEMENT)**
- 2. NON-RELOCATION AND CONTINUING OPERATION AGREEMENT BETWEEN THE FRESNO DIAMOND GROUP, FRESNO GRIZZLIES, TUCSON TOROS, INC., AND THE CITY**
- 3. PLEDGE AGREEMENT BETWEEN THE FRESNO DIAMOND GROUP, FRESNO GRIZZLIES, TUCSON TOROS, AND THE CITY**
- 4. PARKING AGREEMENT BETWEEN THE CITY, REDEVELOPMENT AGENCY, AND FRESNO DIAMOND GROUP**
- 5. RESOLUTION NO. 2000-305 - APPROVING A DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE CITY AND REDEVELOPMENT AGENCY, AND MAKING CERTAIN FINDINGS PURSUANT TO THE CALIFORNIA COMMUNITY REDEVELOPMENT LAW, FOR THE PROPOSED STADIUM PROJECT IN THE MERGER NO. 1 PROJECT AREA**
- 6. RESOLUTION NO. 2000-306 - APPROVING A FINANCING PLAN FOR CONSTRUCTION OF A MULTIPURPOSE STADIUM; AUTHORIZE THE APPOINTMENT OF AN UNDERWRITER, FINANCIAL ADVISOR, TRUSTEE AND BOND COUNSEL IN CONNECTION WITH THE FINANCING; AND AUTHORIZING THE TAKING OF ALL NECESSARY ACTIONS TO PROCEED WITH THE FINANCING**

A motion and second was made by Acting President Bredefeld and President Boyajian to override the Mayor's vetoes of Item Nos. 1 - 6 as outlined above.

Barbara Hunt, 944 'F' Street, spoke to the issue.

Councilmember Mathys reiterated his concerns with the lack of financial information from the Diamond Group. Acting President Bredefeld and Councilmember Ronquillo spoke in support of the override and on the matter being politicized for so long. Councilmember Steitz stated personal attacks were way out of line as there had been plenty of disagreements on both sides, and spoke in opposition stating comments made that financial records were made available to Council were inaccurate. President Boyajian spoke in support citing the lack of leadership the past eight years, and Councilmember Ronquillo commented on the success of the various downtown projects.

On motion of Acting President Bredefeld, seconded by President Boyajian, duly carried, **RESOLVED**, the Mayoral vetoes of the Agreement concerning the construction and sub-lease of a multipurpose stadium, the Non-relocation and Continuing Operation Agreement, the Pledge Agreement, the Parking Agreement, and Resolutions Nos. 2000-305 and 2000-306 hereby overridden and approval/adoption reaffirmed, by the following vote:

Ayes	:	Bredefeld, Perea, Quintero, Ronquillo, Boyajian
Noes	:	Mathys, Steitz
Absent	:	None

RECESS - 10:56 A.M. - 11:03 A.M.

(“A”) AGENCY RESOLUTION NO. 1572 - INTENT TO APPROVE AUTHORIZATION FOR THE REDEVELOPMENT AGENCY TO ENTER INTO AN AGREEMENT WITH THE CALIFORNIA PUBLIC EMPLOYEES’ RETIREMENT SYSTEM FOR THE PROVISION OF RETIREMENT BENEFITS TO AGENCY EMPLOYEES (AGENCY ACTION)

A motion and second was made to adopt the resolution. Director Fitzpatrick briefly reviewed the issue and staff report as submitted and responded to questions relative to number of employees affected, total number of Agency employees, and agreement comparison.

On motion of Acting President Bredefeld, seconded by President Boyajian, duly carried, **RESOLVED**, the contract and above entitled Resolution No. 1572 hereby adopted; the Executive Director authorized to certify the Final Action of the Governing Body; and the Redevelopment Agency authorized to provide retirement benefits and contribution rates in an amount per employee comparable to the City’s retirement plan in addition to any annual increased contribution adjustments adopted by the City for its employees, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Steitz, Ronquillo
Noes	:	None
Absent	:	None

(“B”) REPORT TO AND RECEIVE DIRECTION FROM THE AGENCY BOARD RELATIVE TO INITIATION OF A REDEVELOPMENT ACTION PROGRAM FOR THE BLOCK BOUND BY FRESNO, “A”, MERCED AND “B” STREETS IN THE SOUTHWEST FRESNO GNRA AREA REDEVELOPMENT PROJECT (FOR A PROPOSED DAY CARE CENTER BY LONZELL AND LAVERA WILLIAMS)

A motion and second was made to approve staff’s recommendation. Director Fitzpatrick briefly reviewed the issue and staff report as submitted.

Barbara Hunt, 944 “F” Street spoke to the issue.

LaVera Williams, property owner, responded to questions of Councilmember Mathys relative to proposed plans for the site and her existing day care businesses. Councilmember Mathys and Chair Ronquillo spoke in support of the issue and on how this was a result of and a chain reaction to the successful Kearney Palms Shopping Center.

On motion of Acting President Bredefeld, seconded by Councilmember Perea, duly carried, RESOLVED, staff authorized to proceed with: (1) the preparation of a draft Disposition and Development Agreement between the Williams and the Agency for the development of the proposed children’s day care center; (2) the acquisition and clearance of the 1230 “A” Street property at the appraised value of \$45,000, the acquisition of the two surface parking lots at the appraised values of \$15,000 and \$16,000, respectively, and (3) completion of the master planning of the balance of the block (Fresno, “A”, Merced and “B” Streets) for compatible mixed use development, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Steitz, Ronquillo
Noes	:	None
Absent	:	None

(“C”) CONSIDERATION OF REQUEST FROM CIVIC CENTER SQUARE, INC. (CCSI), FOR A TIME EXTENSION FOR COMMENCEMENT OF CONSTRUCTION ON PROPERTY BOUND BY TULARE, “N”, MAIN AND “O” STREETS

A motion and second was made to approve staff’s recommendation. Director Fitzpatrick briefly reviewed the issue and staff report as submitted. City Attorney Montoy advised the stipulated judgement was an agreement between the City, Agency and CCSI and recommended the motion also include City staff, which was accepted by the motion-maker.

Speaking to the issue were: Barbara Hunt, 944 “F” Street **(3 - 0)**; and Cliff Tutelian, President, CCS, who responded to questions of Councilmember Mathys on plans for the property.

On motion of Acting President Bredefeld, seconded by Councilmember Steitz, duly carried, RESOLVED, the requested time extension from January 15, 2001, to December 31, 2001, for commencement of construction hereby granted; the Executive Director, City Attorney and City Manager directed to proceed with the time extension request from Civic Center Square, Inc. (CCSI) and make necessary amendments to the “Stipulation for Judgement”, and due to costs associated with the consideration of this request, CCSI directed to compensate the Agency for attorney and staff time associated with the processing of this time extension, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Steitz, Ronquillo
Noes	:	None
Absent	:	None

(“D”) DIRECT CITY MANAGER AND AGENCY DIRECTOR TO EXAMINE THE FEASIBILITY OF CREATING PARK AND RIDE LOT LOCATIONS AND RECOMMEND AREAS WITHIN THE DOWNTOWN AREA; AND FORM A COUNTY, FEDERAL AND STATE TASK FORCE TO DETERMINE PARKING NEEDS AND PARTICIPATION - CHAIR RONQUILLO

Reviewed by Chair Ronquillo who stated this would be an alternative, less expensive, interim measure to deal with the lack of downtown parking until the City gets to the point of constructing needed parking structures and explained. Upon question, Director Fitzpatrick stated he would work with City staff on a plan of action and pointed out parking would be badly needed for not only the huge number of City, County, State and Federal employees but also for the almost one million square feet of additional government office space in the next five years currently on the drawing board for the downtown area.

Barbara Hunt, 944 “F” Street, spoke to the issue.

Councilmember Perea noted downtown parking had been talked about the past four years with no results; stated he did not feel task forces and studies were needed as the last city manager was directed two years ago to prepare that parking report; and stated with the approval this date of the downtown stadium he felt a work plan was needed which would identify all parking issues, solutions, funding and how soon the City could bond to build needed parking structures. Councilmember Steitz concurred downtown parking was a problem and stated he felt a direction and financing plan to build structures was needed adding Park and Rides should be discouraged and paid parking encouraged to get the additional revenues needed to pay for the stadium shortfall. Councilmember Ronquillo stated Council had repeatedly given direction relative to obtaining a parking plan, stated it all came down to dollars and cents, and reiterated and clarified his intent was (1) to have inexpensive alternative parking which would be utilized day and night and derive revenues until funding was available to construct parking structures, and (2) to bring the entities together to see if this would be feasible. A motion and second was made to approve the direction as outlined above.

Mr. Fitzpatrick and Chair Ronquillo responded to questions of Councilmember Quintero relative to the committee that was established a couple of years ago to study and report on the parking issue, the study/report conducted by the City Manager’s Office, difference between those two reports, if the County and State were part of the parking committee, and if the Downtown Task Force spearheaded by Jim Costa had dealt with the parking issue. Acting President Bredefeld briefly left the meeting at 11:39 a.m. Councilmember Quintero stated Council has continued to direct studies and committees with implementation always being the missing piece due to lack of funds, and stressed a funding source needed to be identified initially or there would again be no results.

On motion of President Boyajian, seconded by Chair Ronquillo, duly carried, RESOLVED, the City Manager and Agency Director directed to examine the feasibility of creating Park and Ride lot locations and recommend areas within the downtown area, and form a County, Federal and State task force to determine parking needs and participation, by the following vote:

Ayes	:	Boyajian, Mathys, Perea, Quintero, Steitz, Ronquillo
Noes	:	None
Absent	:	Bredefeld

(“E”) DIRECT THE AGENCY DIRECTOR TO PREPARE A WORK PLAN TO OUTLINE INGRESS AND EGRESS TO THE DOWNTOWN MULTIPURPOSE STADIUM, AND IDENTIFY ALL PARKING STRUCTURES, COST AND IDENTIFICATION OF FUNDS FOR THE PROJECT - COUNCILMEMBER PEREA

Briefly reviewed by Councilmember Perea who clarified he wanted studies previously conducted to be looked at to determine where opportunities for parking were in the downtown area, funding, and timeline on when the Agency could start bonding for parking structures, and made a motion to approve direction.

On motion of Councilmember Perea, seconded by Chair Ronquillo, duly carried, RESOLVED, the Agency Director directed to prepare a work plan to outline ingress and egress to the downtown multipurpose stadium, and identify all parking structures, cost and identification of funds for the project, by the following vote:

Ayes	:	Boyajian, Mathys, Perea, Quintero, Steitz, Ronquillo
Noes	:	None
Absent	:	Bredefeld

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The joint bodies adjourned and the City Council reconvened in regular session at 11:41 a.m.

(10:15 A.M. #2) REPORT ON PERFORMANCE OF THE POLICE DEPARTMENT - COUNCILMEMBER STEITZ

Briefly reviewed by Councilmember Steitz who stated the report should be an annual item as the police department was the largest part of the City's budget.

Chief Winchester presented his report which included crime rates and statistics, the department's awards and recognitions, the various programs implemented and success of same, grant opportunities and funds generated, local fund-raising efforts, number of officers and overall increase, employee training, interagency coordination, and citizen complaints, using graphics and charts illustrate, and concluded stating he was very proud of what his staff had accomplished and emphasized the department would not become complacent and would build on the successes of the past.

Speaking in support of Chief Winchester and the department were: Barbara Hunt, 944 'F' Street (**4 - 0**); Felix Ramirez, Erasmo Santos and Susan Bechara, House of Hope Renaissance School; and Anne Goodman, 1296 N. Poplar. Ricky Goodwin, 808 W. Hawes #113, spoke to the issue of harassment.

Extensive discussion ensued. Councilmember Mathys expressed his support and commended the department citing the positive relationship with the community and reductions in crime due to the Pinedale and Highway City police substations and river bottom policing

Acting President Bredefeld stated he appreciated and supported Chief Winchester and the department and presented questions to the Chief relative to his position on a civilian police commission, status on the property room problems, if the issue was theft or misplacements, what changes have been made in the property room's operation, if the Attorney General was conducting an investigation, reason for the number of officers in attendance, and Chief Winchester's comfort with stating his position on issues if they differed from the mayor or city manager.

Councilmember Ronquillo expressed his support for Chief Winchester, stated his priority was how the Chief addressed and adjusted to areas of concern, and presented questions to the Chief relative to the property room, process for purging evidence, if processes/operations of other cities had been looked at, and feasibility of having one centralized property room location.

Councilmember Perea stated there was no question crime had gone down and the department was doing an excellent job on the street; advised the issue was scheduled this date due to an earlier request of his for information on

litigation involving the department for the past four years; noted it was unfortunate the Chief's position was being made a mayoral issue; stated the Mayor's comments on the radio in response the department's problems were unbelievable and explained (**5 - 0**); acknowledged problems were inevitable but stated the internal problems really concerned him and explained; clarified and emphasized the issue was not about Council supporting or not supporting the police department; and stated it was appropriate for Council to look into issues as the City Council was the police commission and along with the mayor was ultimately responsible. Chief Winchester clarified the Mayor never gave an indication to him that the departments' problems were "okay" adding the Mayor was very concerned, and relative to lawsuits cautioned everyone about making judgments and believing everything told to the media.

Councilmember Quintero stated community-based policing was very effective and successful; stated he saw the departments' problems as internal concerns; noted other concerns of his related to the public information officer and safety issues such as big rigs parking in residential areas (with Chief Winchester responding to questions on why officers could not just cite illegally parked big rigs as they patrol), and requested an updated report on the departments' issues.

Councilmember Steitz stated he wanted to publicly commend Chief Winchester and his department; pointed out it was the police department who brought the problems/issues to light and there had been no effort to hide anything; commended the department for the crime reductions, awards and decrease in lawsuits; and commented briefly on one lawsuit stating his comments that it was about a "disgruntled employee" were true and explained.

Interim City Manager Souza stated in working with Chief Winchester there was no one else he would rather rely on to give preference and principal positions than the Chief and commended him; and relative to comments made about the mayor's comments on the radio stated he had never found Mayor Patterson to have anything less than the highest expectations of staff and in their behavior as officers and as a police force. Councilmember Ronquillo requested a comparison report on how Fresno rated with Long Beach, Oakland and Sacramento in total crimes committed noting a better comparison would be with Bakersfield and Stockton.

President Boyajian stated he appreciated all the department had done and their tremendous job with public relations and programs; advised his concerns were speeding and need for more police presence in neighborhoods at all times stating taxpayers paid for the police; commented briefly on the lawsuit issue including how he looked at them, past misguidings by the last city manager, and morale problems; stated the property room problems really concerned him and everyone needed to work together to address all problems and neighborhood concerns; and thanked the Chief and his department. There was no further discussion.

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(10:45 A.M.) HEARING ON SITE PLAN REVIEW APPLICATION NO. S-00-266 AND ENVIRONMENTAL FINDINGS FILED BY DON PICKETT AND ASSOCIATES, INC., FOR PROPERTY LOCATED AT 4767 E. MCKINLEY AVENUE

1. RESOLUTION NO. 2000-311 - CONDITIONALLY APPROVING SITE PLAN REVIEW APPLICATION NO. S-00-266

President Boyajian announced the time had arrived to consider the issue and opened the hearing. A motion and second was made to approve staff's recommendation.

Upon call, no one wished to be heard and President Boyajian closed the hearing.

On motion of Acting President Bredefeld, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the categorical exemption prepared for the project hereby approved; and the above entitled Resolution No. 2000-311 approving the Site Plan subject to modifications outlined in the staff report and the Conditions of Approval dated 9/20/00, hereby adopted, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

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(11:15 A.M.) APPEARANCE BY FELIPE CAMACHO REGARDING LACK OF CONSTRUCTION OF TRAIN OVER-CROSSINGS THROUGHOUT THE CITY WHEN FUNDING HAS BEEN PROVIDED AND TO REQUEST CONSIDERATION OF CONSTRUCTION OF BRIDGE OVER THE CANAL NEAR SAN JOAQUIN MEMORIAL HIGH SCHOOL

Not present when called.

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LUNCH RECESS - 1:13 P.M. - 2:15 P.M. Councilmember Steitz was absent for the remainder of the meeting.

(2:00 P.M.) CLOSED SESSION:

(A) COUNCILMEMBER QUINTERO: CONFERENCE WITH LABOR NEGOTIATOR - GOVERNMENT CODE SECTION 54957.6 - CITY NEGOTIATORS: JORGE AGUINIGA AND ANDREW SOUZA - EMPLOYEE ORGANIZATIONS: FRESNO POLICE OFFICERS ASSOCIATION NON-SUPERVISORY POLICE (FPOA); INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, LOCAL 753 FIRE NON-MANAGEMENT (IAFF); AND INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, LOCAL 753 FIRE MANAGEMENT (IAFF)

(B) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - GOVERNMENT CODE SECTION 54956.9K SUBDIVISION (a) - CASE NAMES:

1. MICHAEL T. MURPHY V. COUNTY OF FRESNO, ET AL.
2. JOSE DUENAS NUNEZ V. COF
3. NOTTOLI CMC V. COF, COMMUNITY HOSPITALS OF CENTRAL CALIFORNIA

(C) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - FRIEND-OF-THE-COURT-PARTICIPATION - GOVERNMENT CODE SECTION 54954.5, SUBDIVISION (c) - CASE NAMES:

1. CORNETTE V. DEPARTMENT OF TRANSPORTATION, SUPREME COURT NO. S089010
2. LIM V. CITY OF LONG BEACH
3. ALAMEDA BOOKS, INC, CITY OF LOS ANGELES

The Council met in closed session in Room 2125 at the hour of 2:15 p.m. to consider the above issues and reconvened in regular open session at 3:52 p.m.

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(2:55 P.M.) APPEARANCE BY BARBARA HUNT TO DISCUSS BOUNDARIES FOR WEST AND SOUTHWEST FRESNO, THE CHINATOWN EXPANSION, AND THE 20% TAX INCREMENT TO BE USED FOR AFFORDABLE HOUSING

Appearance made; no action taken.

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(3:00 P.M.) CONTINUED HEARING ON PRIME CONTRACTOR'S REQUEST, PURSUANT TO PUBLIC CONTRACT CODE SECTION 4107, TO SUBSTITUTE SUBCONTRACTORS BASED ON CLAIM OF FAILURE TO PERFORM FOR THE PILIBOS SOCCER PARK PROJECT

President Boyajian announced the time had arrived to consider the issue and opened the hearing. City Construction Engineer Kassabian reviewed the issue and staff report as submitted and recommended Council consent to the substitution of Elite Landscaping for Grecian Gardens.

Speaking in opposition to the substitution request and to the issues of the required soil product Agri-Yield and grading were: Attorney Greg Kohler, representing Grecian Gardens (GG); John Williamson, Biochemist, who performed and spoke to the soils analysis; Logan Glover, GG Site Foreman, who spoke to the grading issue; and Chris Martin, GG Vice President, who stated the project was not to grade which prevented GG from performing, displaying photographs to illustrate.

Attorney Patrick Kelley, representing Construction Developers, Inc., 5320 N. Barcus, spoke in support of the substitution.

Upon call, no one else wished to be heard and President Boyajian closed the public testimony portion of the hearing.

Upon question of Acting President Bredefeld, Mr. Kassabian and Interim Assistant City Construction Engineer Banuelos stated the City-specified product was safe, it had been used in other city projects, it was currently being used at city parks and had been used for the last four years, and the product was specified in the bid specifications. A motion and second was made to consent to the substitution as recommended by staff.

Councilmember Ronquillo stated he was tired of rehashing the same issue; stated he could not understand why GG insisted on being part of a project they were against when they could just bail out; noted the last time GG was before Council they had concerns relative to liability; and stressed if GG was opposed to the product they should step away from it and let another company take the contract. Referencing the report on the distribution of bio-solids and where they had been used, Councilmember Quintero questioned if all concerns had been addressed, with City Attorney Montoy clarifying the only issue this date was the request to substitute the subcontractor.

Mr. Martin, Mr. Banuelos and Ms. Montoy responded to questions of Councilmembers Mathys, Bredefeld and Perea relative to project grading, if GG could proceed tomorrow on the project if the project were at-grade, why GG was being discharged, if GG had done other work for the City, why GG bid on the project knowing bio-solids would have to be used, if GG slowed the project down, if the required soil product was clearly spelled out in the bid specifications, and if the City could sue GG if it was found they deliberately slowed down the project.

On motion of Acting President Bredefeld, seconded by Councilmember Perea, duly carried, RESOLVED, the substitution of Elite Landscaping in place of Grecian Gardens for the landscaping work at Pilibos Soccer Park hereby consented to, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Boyajian
Noes	:	None
Absent	:	Steitz

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(3C) RESOLUTION NO. 2000-312 - ADDING MORNINGSTAR ENTERPRISES, LLC (PLEASANT MATTRESS CO.) ON N. WEST AVENUE BETWEEN W. NEILSEN AND W. WHITESBRIDGE ROAD TO THE FRESNO ENTERPRISE ZONE (APN 458-071-010)

Development Director Yovino reviewed the staff report as submitted. Councilmembers Perea and Quintero briefly left the meeting at 4:36 p.m.

Mr. Morgenstern, Pleasant Mattress Co., advised of his project and how it would be beneficial to the city and requested approval of the resolution.

On motion of Councilmember Ronquillo, seconded by Councilmember Mathys, duly carried, RESOLVED, the above entitled Resolution No. 2000-312 hereby adopted with approval conditioned upon the filing of the extension application with the California State Trade and Commerce Agency (anticipated to be 12/31/00), by the following vote:

Ayes	:	Bredefeld, Mathys, Ronquillo, Boyajian
Noes	:	None
Absent	:	Perea, Quintero, Steitz

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Councilmember Perea returned to the meeting at 4:37 p.m.

(3A) APPROVE REAPPOINTMENTS OF KENDALL GROOM AND ROBERT BOOHER TO THE FRESNO METROPOLITAN FLOOD CONTROL DISTRICT - MAYOR PATTERSON

On motion of Councilmember Perea, seconded by Acting President Bredefeld, duly carried, RESOLVED, Kendall Groom and Robert Booher reappointed to the Fresno Metropolitan Flood Control District, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Ronquillo, Boyajian
Noes	:	None
Absent	:	Quintero, Steitz

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(5A) APPROVE APPOINTMENT OF MARY KIGHT TO THE COMMISSION ON THE STATUS OF WOMEN - COUNCILMEMBER PEREA

On motion of Councilmember Perea, seconded by Acting President Bredefeld, duly carried, RESOLVED, Mary Kight appointed to the Commission on the Status of Women, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Ronquillo, Boyajian
Noes	:	None
Absent	:	Quintero, Steitz

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(5B) * RESOLUTION NO. 2000-313 - 55TH AMENDMENT TO AAR 2000-183 APPROPRIATING \$39,700 OF CDBG FUNDS RECENTLY DISENCUMBERED FROM THE KINGS CANYON/VENTURA COMMERCIAL REHABILITATION PROGRAM FOR THE PILIBOS PARK PROJECT

On motion of Councilmember Ronquillo, seconded by Acting President Bredefeld, duly carried, RESOLVED, the above entitled Resolution No. 2000-313 hereby adopted, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Ronquillo, Boyajian
Noes	:	None
Absent	:	Quintero, Steitz

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(5C) * RESOLUTION NO. 2000-314 - 57TH AMENDMENT TO AAR 2000-183 APPROPRIATING \$1,500 OF DISTRICT 4'S GENERAL FUND INFRASTRUCTURE BUDGET TO FUND THE NFL GATORADE PUNT, PASS AND KICK COMPETITION - COUNCILMEMBER STEITZ

Councilmember Quintero returned to the meeting at 4:39 p.m.

On motion of Councilmember Mathys, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the above entitled Resolution No. 2000-314 hereby adopted, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Boyajian
Noes	:	None
Absent	:	Steitz

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(5D) REQUEST THE CITY MANAGER TO TAKE ACTION AGAINST ILLEGAL DUMP OPERATOR AND ISSUE A CEASE AND DESIST ORDER TO REMOVE ALL ILLEGAL WASTE FROM PROPERTY LOCATED AT 5965 N. GOLDEN STATE BLVD. - COUNCILMEMBER MATHYS

Briefly reviewed by Councilmember Mathys who displayed photos to illustrate. City Attorney Montoy and Deputy City Attorney Slater advised staff was already working on the issue along with four other similar sites and would take whatever steps they could legally. Brief discussion ensued on dumps and incentives. Councilmember Perea left at 4:47 p.m. and was absent for the remainder of the meeting. Mr. Slater advised he had just been informed by Code Enforcement that the subject business would be removing the waste in two weeks. There was no action taken.

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CLOSED SESSION ANNOUNCEMENTS - CITY ATTORNEY MONTTOY

Ms. Montoy announced in the matter of closed session items C-1, C-2 and C-3, Friend-of-the-Court-Participation, the Council voted 5-0-2 on all three with Councilmembers Mathys and Steitz absent to join in the amicus effort and elaborated.

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(3B) APPROVE RESPONSES TO THE 1999-2000 GRAND JURY REPORT

Briefly reviewed by City Attorney Montoy. Acting President Bredefeld made a motion to adopt the responses submitted by the City Manager as outlined in his report *except* for the stadium response, and to approve the City Attorney's response on the stadium. Ms. Montoy requested the motion also include staff authorization to make technical corrections and explained. Brief discussion ensued and clarifications and amendments were made.

On motion of Acting President Bredefeld, seconded by Councilmember Ronquillo, duly carried, RESOLVED, (1) the responses to the Grand Jury Findings and Recommendations contained in the Interim City Manager's report hereby approved, as amended, relative to the Regional Medical Center/Fresno Street landscaping, and excluding the response relative to the downtown stadium; (2) the City Attorney's response on the downtown stadium hereby approved; and (3) staff authorized to make minor edits and/or technical corrections as necessary, by the following vote:

Ayes	:	Bredefeld, Quintero, Ronquillo, Boyajian
Noes	:	Mathys
Absent	:	Perea, Steitz

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ADJOURNMENT

There being no further business to bring before the Council, the hour of 5:00 p.m. having arrived and hearing no objections, President Boyajian declared the meeting adjourned.

APPROVED on the 31st day of October, 2000.

ATTEST:

Tom Boyajian, Council President

Yolanda Salazar, Assistant City Clerk

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